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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 BANK OF AMERICA, N.A.,

8 Plaintiff(s),

9 v.

10 VILLAGE OF AVELLINO HOMEOWNERS  
11 ASSOCIATION, et al.,

12 Defendant(s).

Case No. 2:16-CV-728 JCM (PAL)

ORDER

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14 Presently before the court is a joint motion for summary judgment filed by defendants  
15 Village of Avellino Homeowners Association (the “HOA”) and Absolute Collection Services,  
16 LLC (“ACS”). (ECF No. 19).

17 Also before the court is plaintiff Bank of America, N.A.’s (“BANA”) motion for summary  
18 judgment. (ECF No. 20). The HOA filed a response. (ECF No. 21).

19 BANA filed a summons returned executed as to defendant DK Capital & Associates, LLC  
20 (“DK”) on May 17, 2016. DK’s answer was due by April 4, 2016. To date, DK has yet to file an  
21 answer.

22 In the instant motions, BANA, the HOA, and ACS all move for summary judgment in  
23 BANA’s favor and against DK. (ECF Nos. 19, 20).


24 As DK has failed to appear in the instant case, BANA’s proper recourse is through Federal  
25 Rule of Civil Procedure 55, not Rule 56.

26 Accordingly,

27 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the HOA’s and ACS’s  
28 joint motion for summary judgment (ECF No. 19) be, and the same hereby is, DENIED.

1 IT IS FURTHER ORDERED that BANA's motion for summary judgment (ECF No. 20)  
2 be, and the same hereby is, DENIED.

3 DATED June 20, 2017.

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5 UNITED STATES DISTRICT JUDGE  
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